

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MORLYNE YOUNG,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:12-CV-01180-AGF
)	
LVNV FUNDING LLC,)	
)	
Defendant.)	

DEFENDANT’S MOTION TO STRIKE
PLAINTIFF’S RESPONSE TO DEFENDANT’S REPLY IN SUPPORT OF
MOTION TO DISMISS

Defendant, LVNV Funding LLC (“Defendant”) moves the Court for an order striking “Plaintiff’s Response to Defendant’s Reply in Support of Motion to Dismiss” filed by pro se Plaintiff on October 10, 2012 and entered by the Clerk via CM/ECF on October 12, 2012 (Doc. #26). In support of its Motion, Defendant shows the Court as follows:

1. On August 8, 2012, Defendant filed its Motion to Dismiss and Memorandum in Support (Doc. ##8 and 9).
2. On September 10, 2012, Plaintiff filed his Objection to Defendant’s Motion to Dismiss for Failure to State a Claim and Memorandum in Support of Objection (Doc. ##15 and 16).
3. On October 3, 2012, Defendant filed its Reply Memorandum in support of Motion to Dismiss (Doc. #23).
4. Local Rule 4.01 allows for only a memorandum in support of a motion, a memorandum in opposition to a motion, and a reply memorandum. Pursuant to LR 4.01(C): “Additional memoranda may be filed by either party only with leave of Court.” Plaintiff has not sought leave of the Court to file the subject Response.

WHEREFORE, Defendant requests that the Court strike the October 10, 2012 Response of Plaintiff, and grant such other and further relief as the Court deems just and equitable.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically with the United States District Court for the Eastern District of Missouri, Eastern Division, this 15th day of October, 2012, with notice of case activity generated and sent to Plaintiff via U.S. first class mail, postage prepaid, addressed as follows:

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/s/ Joshua C. Dickinson